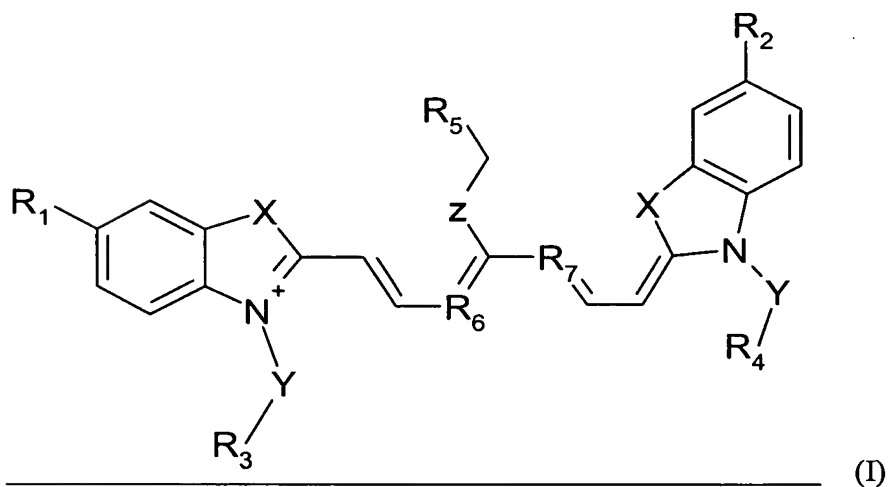
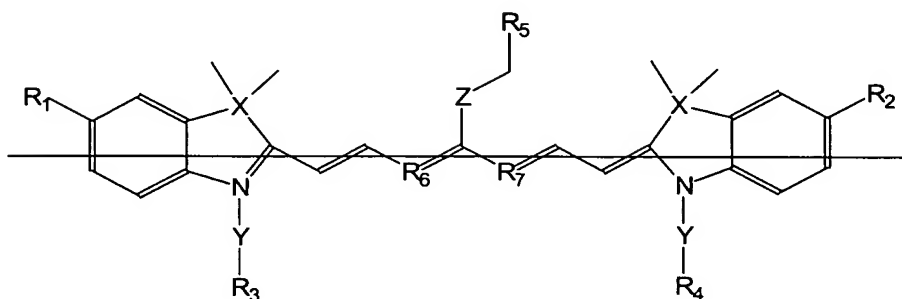


This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) ~~Indotricarbocyanine dye of general~~ An indotricarbocyanine  
dye of formula (I),



(I)

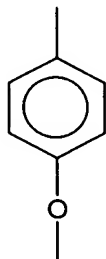
in which

X is O, S or C, wherein, when X is C, it ~~that~~ is substituted twice in two places by ;  
~~whereby the substituents can be selected from~~ methyl, ethyl, propyl, isopropyl

and/or butyl,

Y is  $\text{CH}_2\text{-CH}_2$  or  $\text{CH}_2\text{-CH}_2\text{-CH}_2$ ,

Z is  $\text{C}_1$  to  $\text{C}_5$  alkyl, ~~whereby the~~ wherein one or more C atoms are optionally replaced ~~substituted~~ by O or S, or is

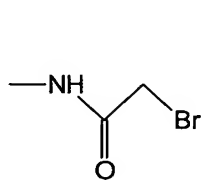


which is bound by an ethylene or a methylene bridge to  $\text{R}_5$ ,

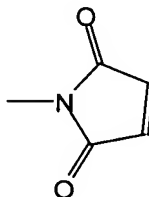
$\text{R}_1$  to  $\text{R}_4$  are, independently of one another, ~~are~~  $\text{SO}_3\text{H}$  or H, with the proviso that at least three of  $\text{R}_1$  to  $\text{R}_4$  are  $\text{SO}_3\text{H}$ ,

$\text{R}_5$  is  $\text{COOH}$ ,  $\text{NH}_2$ ,  $-\text{CO-NH-R}_8\text{-R}_9$ ,  $-\text{NH-CS-NH-R}_8\text{-R}_9$  or  $-\text{NH-CO-R}_8\text{-R}_9$ ,  
in which  $\text{R}_8$  is ~~selected from the group that consists of~~ an unbranched  $\text{C}_2\text{-C}_{13}$  alkyl,  
in which C atoms are optionally replaced by O or S, and

$\text{R}_9$  is ~~selected from~~



or



or chloroacetyl,

bromoacetyl, iodoacetyl, chloroacetamido, iodoacetamido, chloroalkyl,

bromoalkyl, iodoalkyl, pyridyl disulfide or ~~and~~ vinyl sulfonamide, ~~and in which~~

$\text{R}_6$  and  $\text{R}_7$  are CH or are connected together by a  $\text{C}_3$ -alkylene group to form a cyclohexyl ~~to a hexyl ring by a  $\text{C}_3$ -alkyl~~, which optionally can be substituted in para-position with a  $\text{C}_1$  to  $\text{C}_4$ -alkyl radical,

or a salt thereof and salts and solvates of this compound.

2. (Withdrawn and Currently Amended) ~~Indotricarboeyanine~~ An indotricarbocyanine

dye according to claim 1, in which

Y is  $\text{CH}_2\text{-CH}_2$ ,

Z is  $\text{C}_1$  to  $\text{C}_5$  alkyl, ~~whereby the~~ wherein one or more C atoms are optionally

replaced substituted by O or S, and

in which  $\text{R}_6$  and  $\text{R}_7$  are  $\text{CH}_3$ ,

or a salt thereof and salts and solvates of this compound.

3. (Withdrawn and Currently Amended) ~~Indotricarboeyanine~~ An indotricarbocyanine

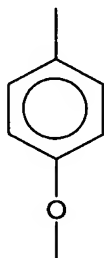
dye according to claim 1, in which

Z is  $\text{C}_1\text{-C}_5$  alkyl.

4. (Currently Amended) ~~Indotricarboeyanine~~ An indotricarbocyanine dye according

to claim 1, in which

Z is



which is bound by an ethylene or a methylene bridge to  $\text{R}_5$ ,

and  $\text{R}_6$  and  $\text{R}_7$  are connected together by a  $\text{C}_3$ -alkylene group to form a cyclohexyl to a hexyl ring  
by a  $\text{C}_3$ -alkyl.

5. (Withdrawn and Currently Amended)

~~Indotricarbocyanine~~ An indotricarbocyanine

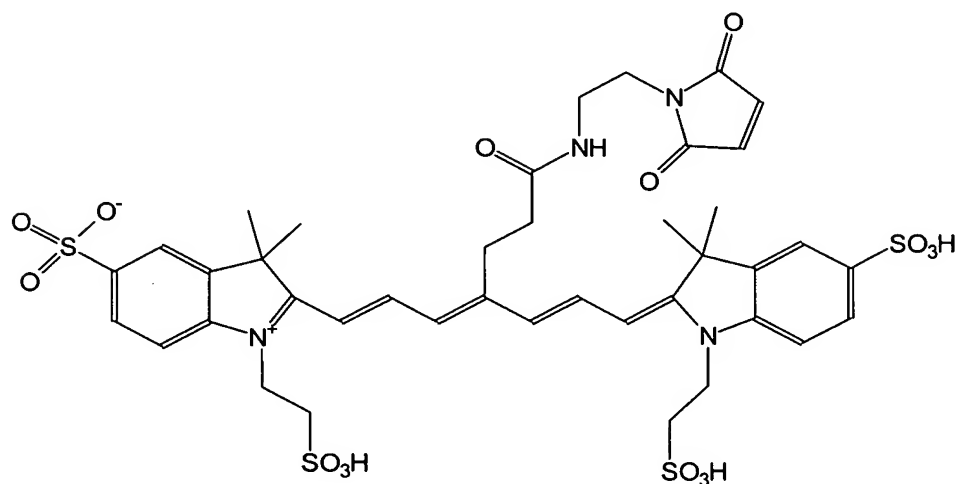
dye according to claim 1, in which

R<sub>5</sub> is COOH or NH<sub>2</sub>.

6. (Currently Amended)

~~Indotricarbocyanine~~ An indotricarbocyanine dye according

to claim 40 3 of formula (II)

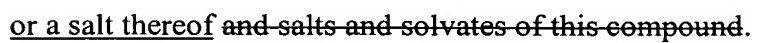


or a salt thereof ~~and salts and solvates of this compound.~~

7. (Currently Amended)

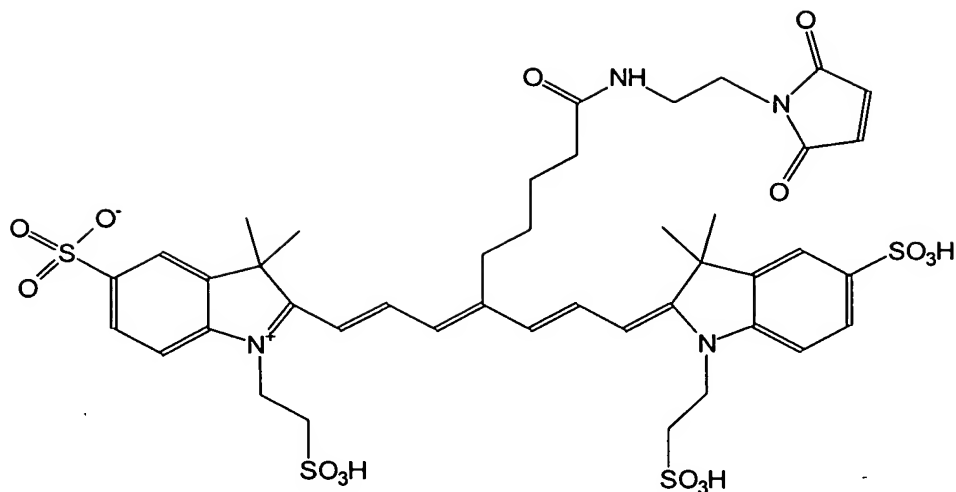
~~Indotricarbocyanine~~ An indotricarbocyanine dye according

to claim 40 3 of formula (III)

[illegible]

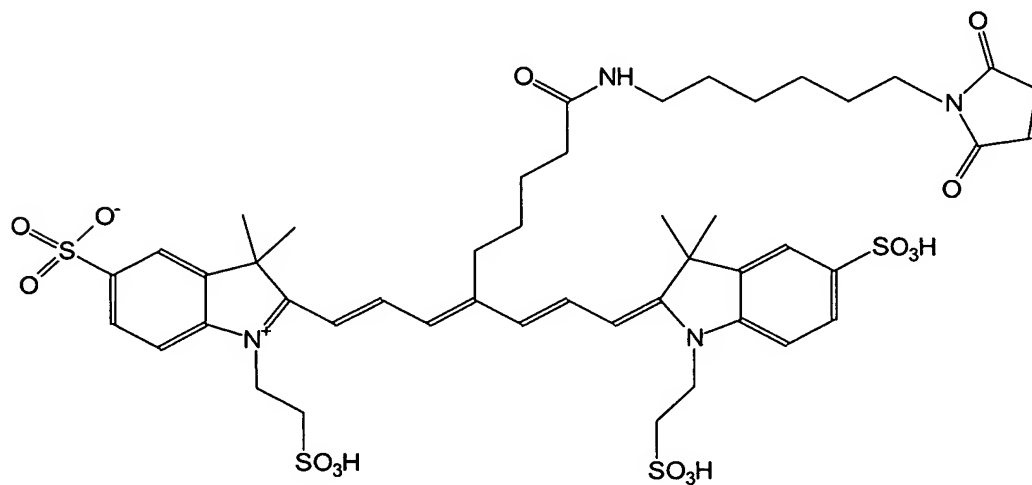
~~or a salt thereof and salts and solvates of this compound.~~

9. (Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine dye according to claim ~~40~~ 3 of formula (V)



or a salt thereof and salts and solvates of this compound.

10. (Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine dye according to claim ~~40~~ 3 of formula (VI)

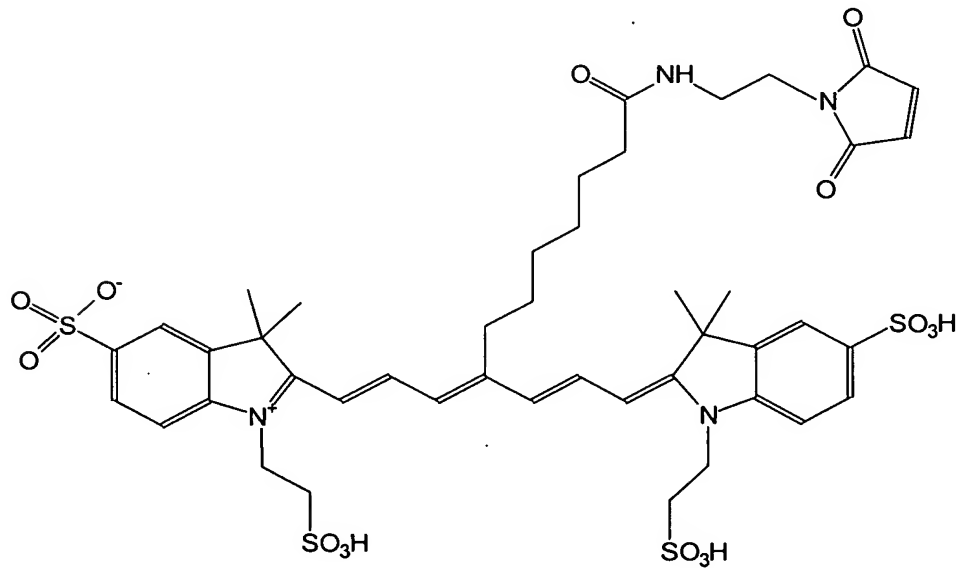


or a salt thereof and salts and solvates of this compound.

11. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine

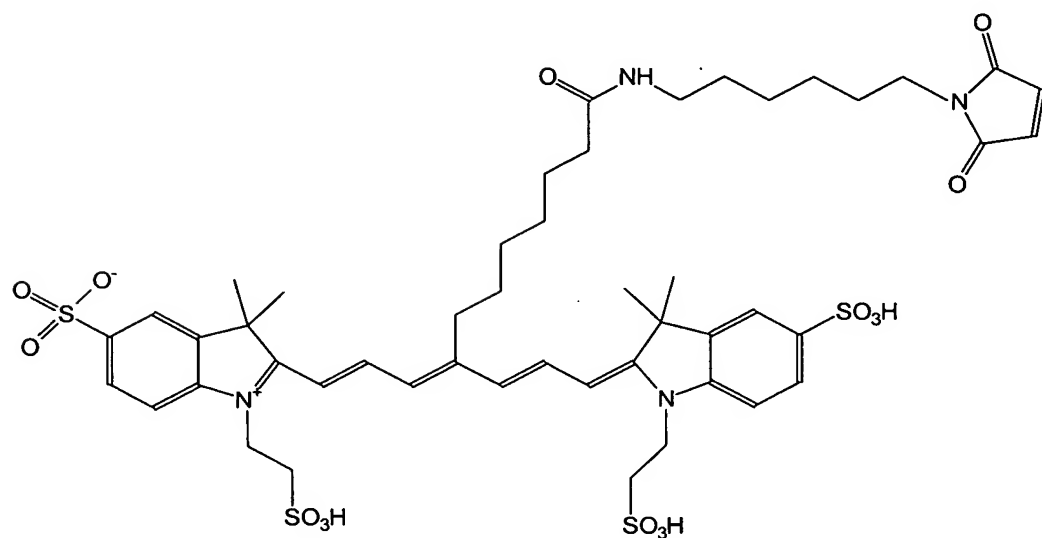
[illegible]

12. (Currently Amended) ~~Indotricarboecyanine~~ An indotricarbocyanine dye according to claim ~~40~~ 3 of formula (VIII)



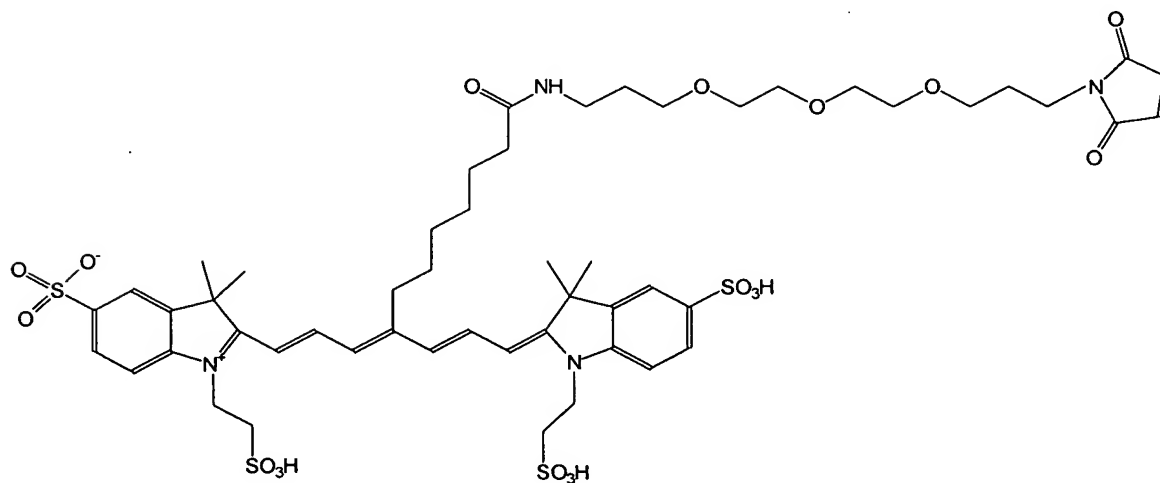
10

13. (Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine dye according to claim 40 3 of formula (IX)



or a salt thereof ~~and salts and solvates of this compound.~~

14. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine dye according to claim 3 of formula (X)

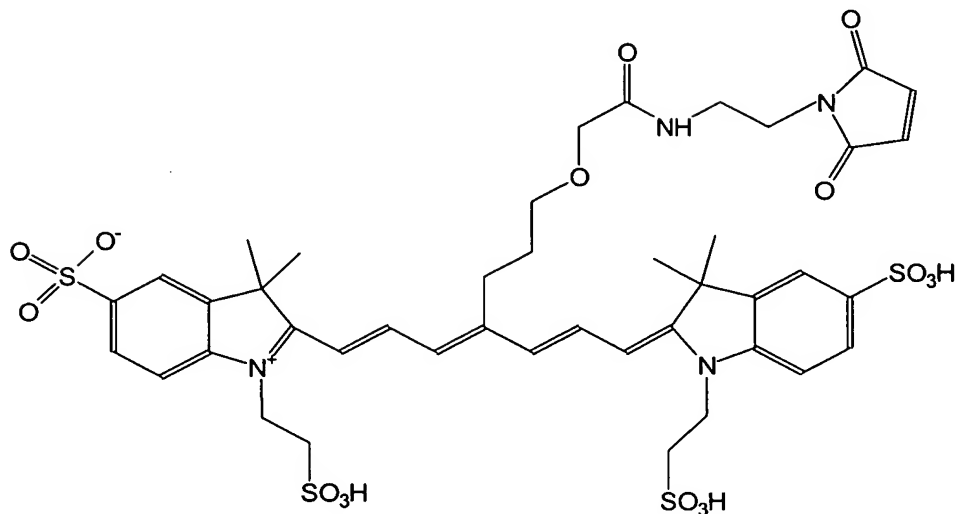


or a salt thereof ~~and salts and solvates of this compound.~~



15. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine

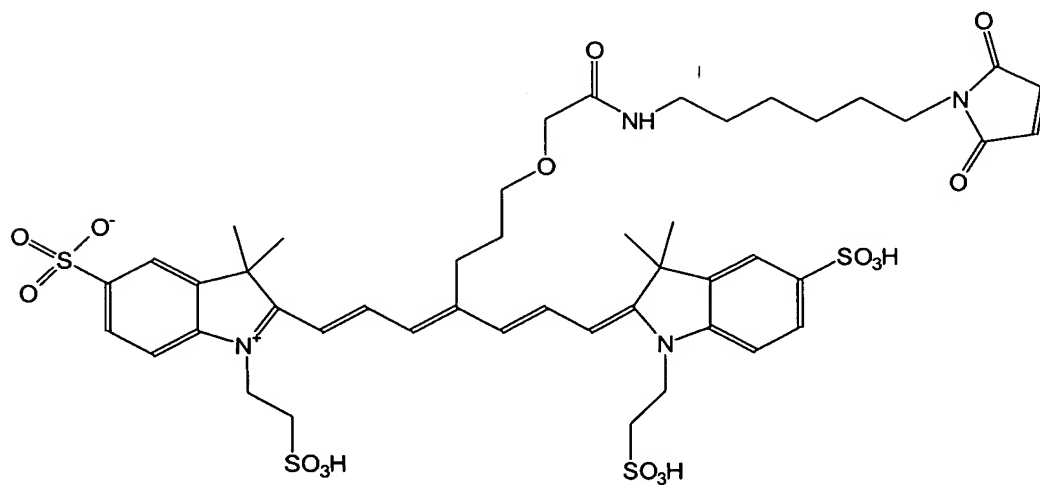
dye according to claim 2 of formula (XI)



or a salt thereof ~~and salts and solvates of this compound.~~

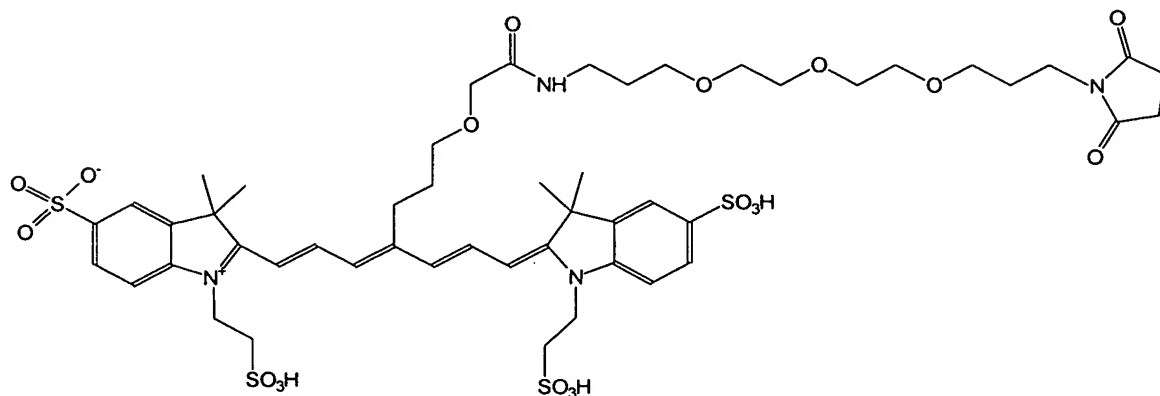
16. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine

dye according to claim 2 of formula (XII)



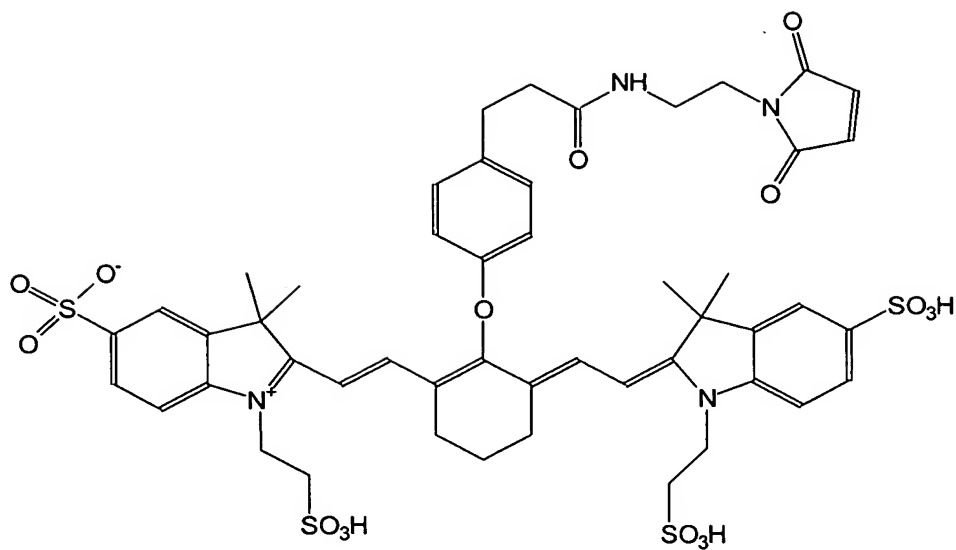
or a salt thereof ~~and salts and solvates of this compound.~~

17. (Withdrawn and Currently Amended) ~~Indotricarboecyanine~~ An indotricarbocyanine  
dye according to claim 2 of formula (XIII)



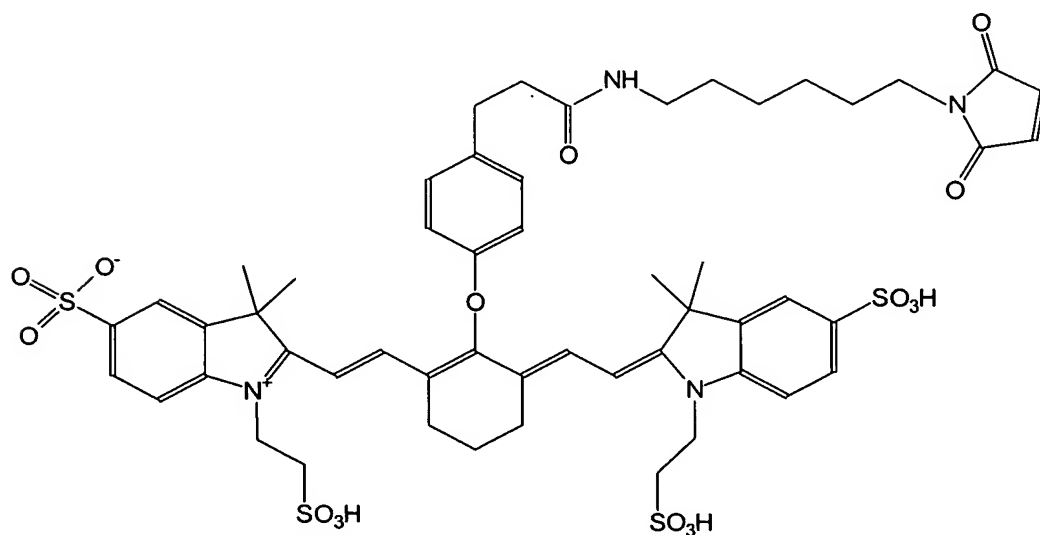
~~or a salt thereof and salts and solvates of this compound.~~

18. (Currently Amended) ~~Indotricarboecyanine~~ An indotricarbocyanine dye according to claim 4 of formula (XIV)



or a salt thereof and salts and solvates of this compound.

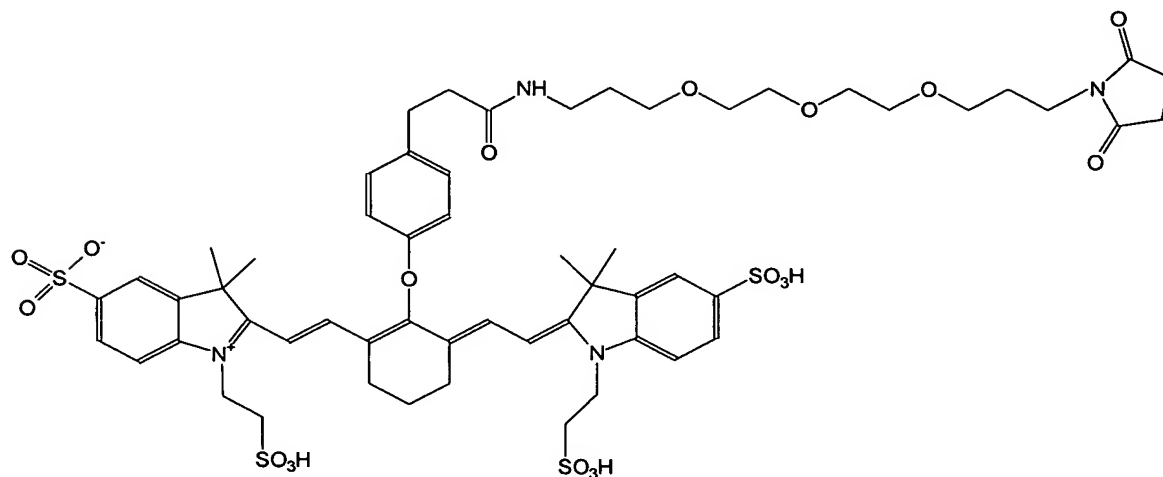
19. (Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine dye according to claim 4 of formula (XV)



or a salt thereof and salts and solvates of this compound.

20. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine

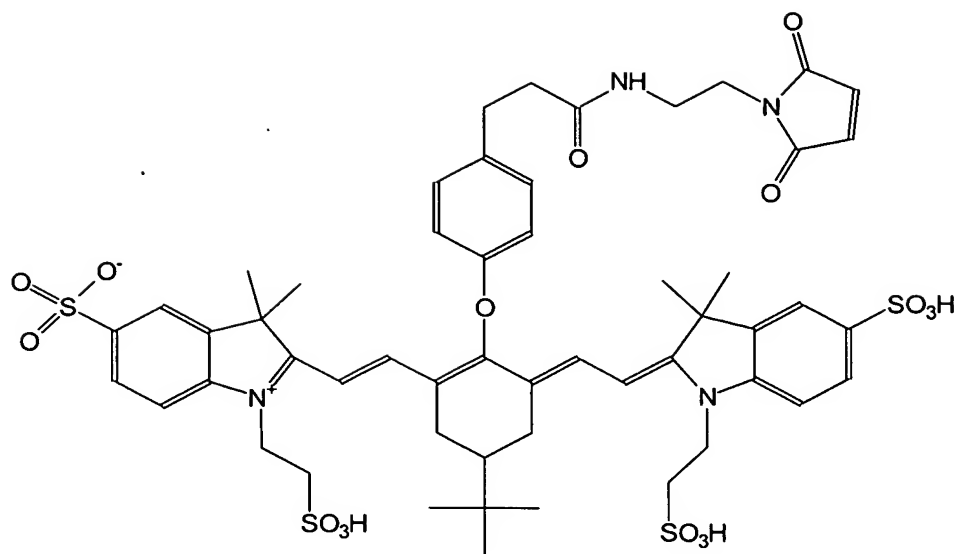
dye according to claim 4 of formula (XVI)



or a salt thereof ~~and salts and solvates of this compound.~~

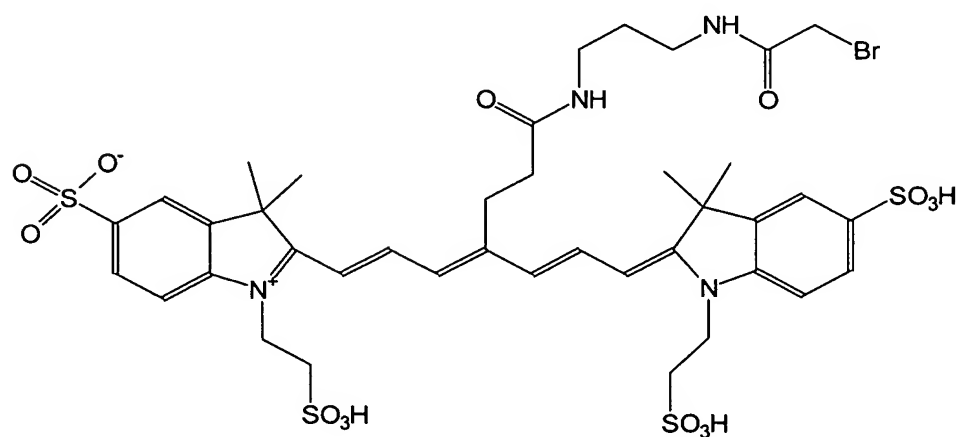
21. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine

dye according to claim 4 of formula (XVII)



or a salt thereof ~~and salts and solvates of this compound.~~

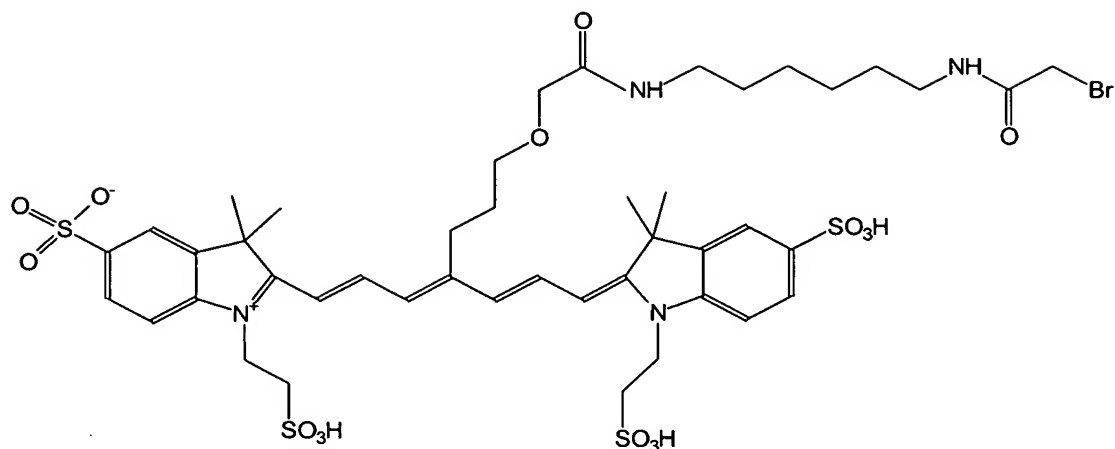
22. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine  
dye according to claim 3 of formula (XVIII)



or a salt thereof ~~and salts and solvates of this compound.~~

23. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine

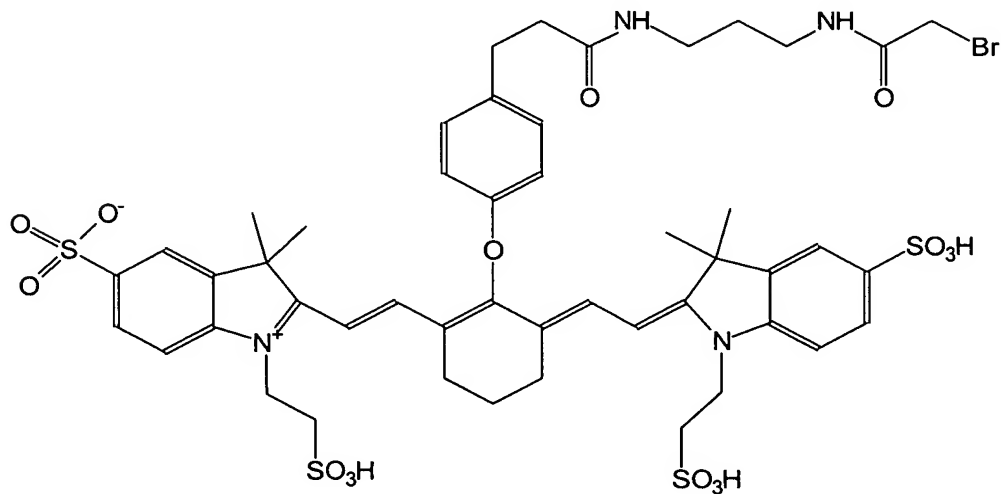
dye according to claim 2 of formula (XIX)



or a salt thereof ~~and salts and solvates of this compound.~~

24. (Withdrawn and Currently Amended) ~~Indotricarbocyanine~~ An indotricarbocyanine

dye according to claim 4 of formula (XX)



or a salt thereof ~~and salts and solvates of this compound.~~

25. (Withdrawn and Currently Amended) A process for preparing ~~Process for the~~

~~production of an indotricarbocyanine dye according to claim 1, comprising~~

- a) ~~Preparation of one or more~~ preparing a 4-substituted pyridine ~~pyridines,~~
- b) ~~Conversion of one or more~~ converting the 4-substituted pyridine ~~pyridines in a~~  
*meso*-substituted glutaconaldehyde-dianilide ~~glutaconaldehyde-dianilides as~~  
~~precursors into a cyanine dye by a dyes, by means of the Zincke-König reaction,~~  
and
- c) ~~Obtaining the~~ obtaining a *meso*-substituted glutaconaldehyde-dianilide as  
~~precursors to cyanine dyes.~~

26-32. (Cancelled)

33. (Withdrawn and Currently Amended) ~~Diagnostic kit,~~ A diagnostic kit comprising  
an indotricarbocyanine dye according to claim 1 ~~and/or a conjugate produced by coupling said~~  
~~indotricarbocyanine dye with a biomolecule,~~ together with an adjuvant that is suitable ~~additional~~  
~~adjuvants~~ for implementing an *in-vivo* diagnosis of a tumor ~~, in particular, tumors.~~

34. (Cancelled)

35. (New) A solvate of a compound of claim 1, which comprises a compound of  
formula I in combination with a solvent molecule.

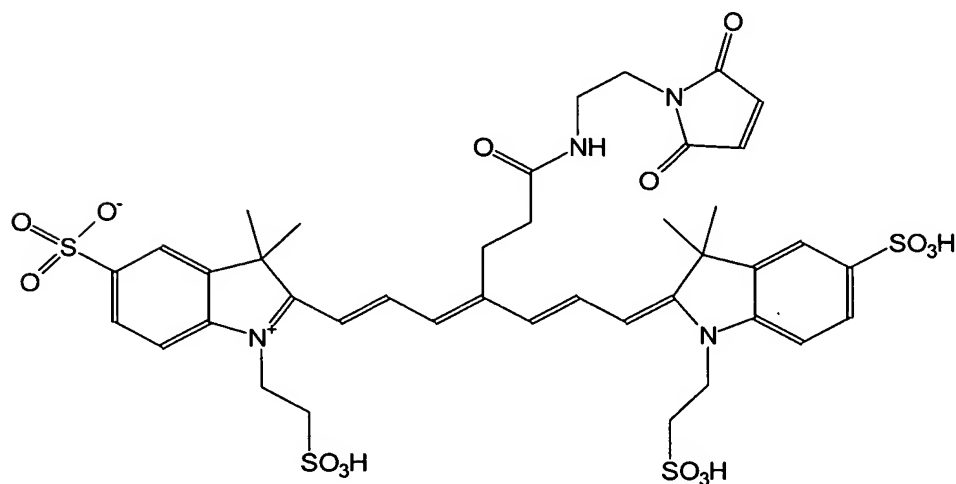
36. (New) An indotricarbocyanine dye according to claim 1, wherein X is C.

37. (New) An indotricarbocyanine dye according to claim 1, wherein X is C and is substituted in two places by methyl.

38. (New) An indotricarbocyanine dye according to claim 1, wherein Z is C<sub>1</sub> to C<sub>5</sub> alkyl.

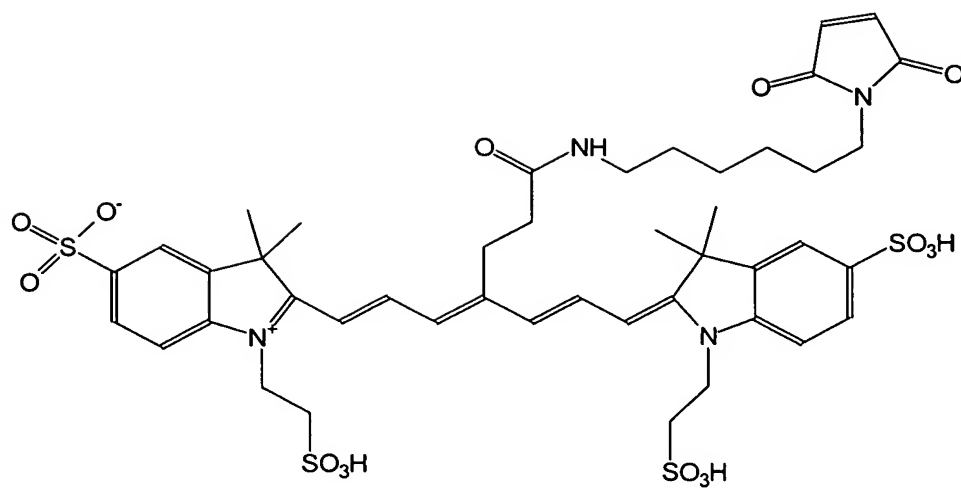
39. (New) An indotricarbocyanine dye according to claim 1, wherein Z is C<sub>1</sub> to C<sub>5</sub> alkyl in which one or more C atoms are replaced by O.

40. (New) An indotricarbocyanine dye of formula (II)

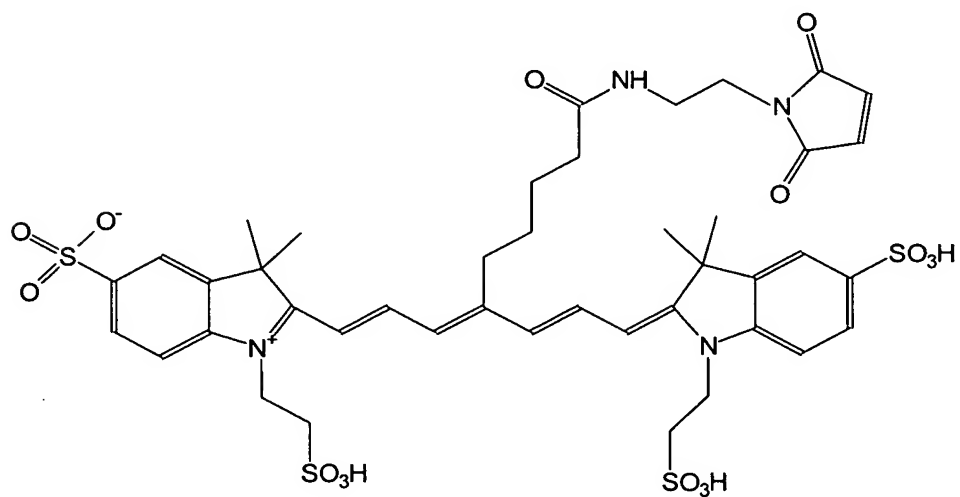


or of formula (III)

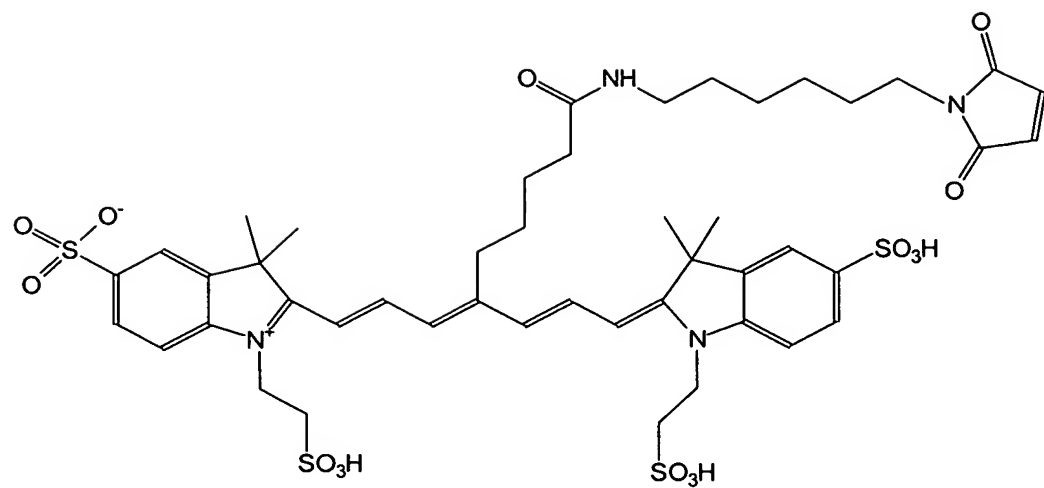




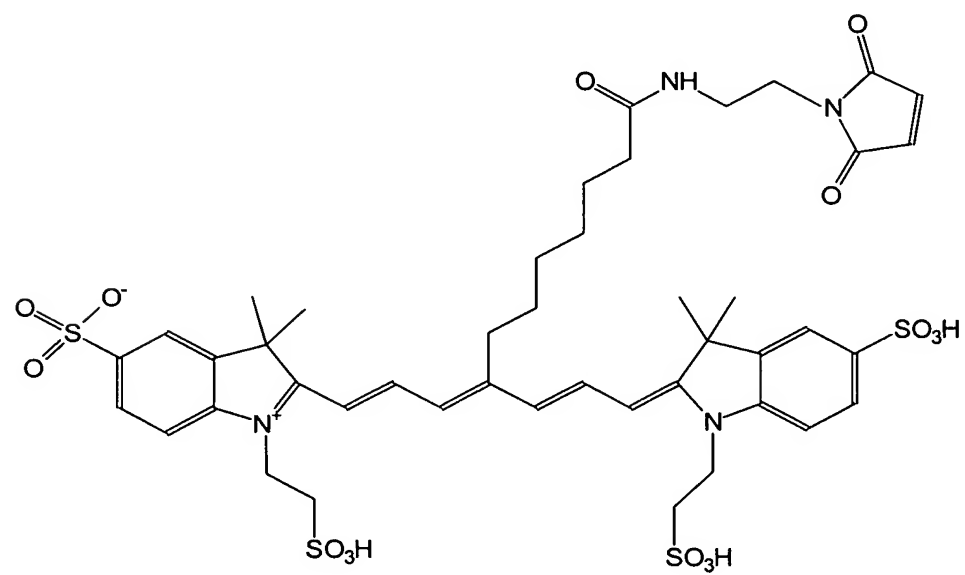
or of formula (V)



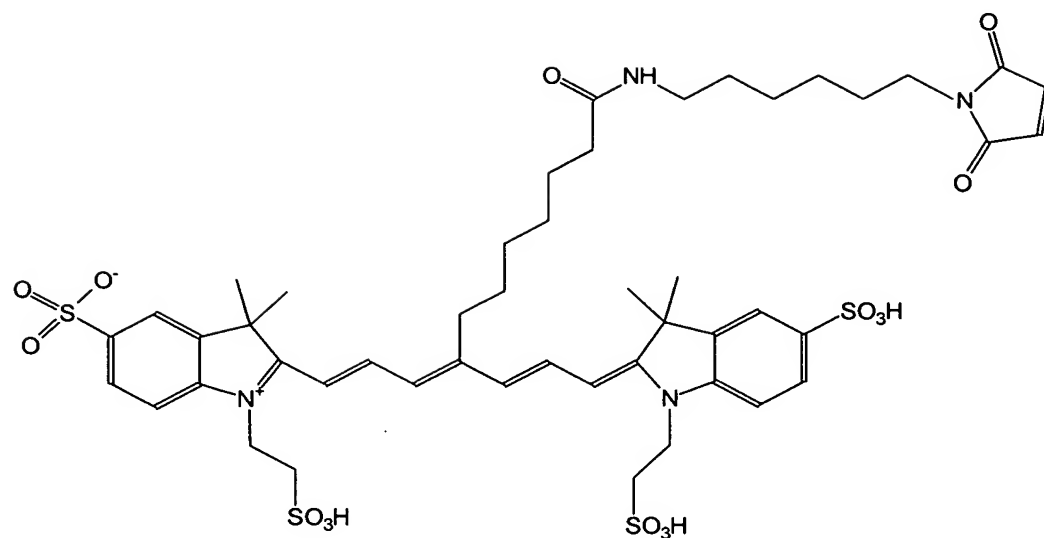
or of formula (VI)



or of formula (VIII)



or of formula (IX)



or a salt thereof.

42. (New) A solvate of a compound of claim 41, which comprises a compound of formula II, III, V, VI, VIII or IX in combination with a solvent molecule.